

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 DHA-02 L-03 AF-08 ARA-06 EA-07 EUR-12
NEA-10 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00
INRE-00 PM-04 H-01 INR-07 NSC-05 PA-01 PRS-01 SP-02
SS-15 /098 W

-----041055Z 019756 /11

O R 040920Z MAR 77

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 5640

INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 1576

E.O. 11652: N/A

TAGS: UN, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION: ITEM 6: VIOLATION OF HUMAN
RIGHTS IN SOUTHERN AFRICA

REF: STATE 48125

1. FOLLOWING AS LAST PARAGRAPH IS THE COMPLETE
REVISED TEXT OF RESOLUTION ON THE REPORT OF THE AD
HOC WORKING GROUP OF EXPERTS. PART B HAS BEEN REVISED
TO MEET THE REQUIREMENTS OUTLINED REFTTEL.

2. A NEW SECTION, PART C, HAS BEEN ADDED TO
THE RESOLUTION. IT RECALLS RESOLUTIONS 31/6/I AND
31/7 ON WHICH THE U.S. VOTED "NO" AT THE 31ST
GA. AS THE WORDING OF PART C IS VAGUE AND UNCLEAR,
WE INTEND TO ABSTAIN ON PART C IF IT IS
PUT TO A VOTE TODAY, MARCH 4.

3. BEGIN TEXT:

THE COMMISSION ON HUMAN RIGHTS,
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RECALLING ITS RESOLUTION 2 (XXIII), BY WHICH IT SET UP THE AD HOC
WORKING GROUP OF EXPERTS, AND IT RESOLUTIONS 21 (XXV), 7 (XXVII,
19 (XXIX) AND 5 (XXXI), BY WHICH IT EXTENDED AND BROADENED THE
TERMS OF REFERENCE OF THAT GROUP,

RECOGNIZING THE CONTRIBUTION WHICH THE REPORTS OF THE AD HOC WORKING

GROUP OF EXPERTS HAVE MADE AND ARE CONTINUING TO MAKE TO THE SUSTAINED EFFORTS OF THE UNITED NATIONS TO SEEK OUT AND COMBAT THE CONSTANT AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS, AND IN PARTICULAR THE POLICIES OF APARTHEID AND RACIAL DISCRIMINATION WHICH CONTINUE UNABATED IN SOUTH AFRICA, AS WELL AS IN NAMIBIA AND SOUTHERN RHODESIA,

HAVING EXAMINED THE REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (E/CW.4/1222 AND CORR.1),

HAVING NOTED THAT THE SOUTH AFRICAN AUTHORITIES CONTINUE TO COOUPY NAMIBIA ILLEGALLY, TO STRENGTHEN THEIR MILITARY PRESENCE IN THAT TERRITORY, AND TO PERPETUATE THEIR ODIOUS POLICY OF APARTHEID AND RACIAL DISCRIMINATION THERE, AND THAT THE ILLEGAL REGIME OF SALISBURY IS NOT ONLY REFUSING TO DISPLAY ANY GOODWILL IN THE MATTER OF TRANSFER

OF POWER TO THE MAJORITY, BUT IS CONTINUING TO INCREASE ITS MILITARY CAPACILITIES WITH A VIEW TO MAINTAINING ITS OPPRESSION OF THE MAJORITY BY FORCE,

DEEPLY CONCERNED BY THE VERY SERIOUS CONSEQUENCES FOR THE REALIZATION OF HUMAN RIGHTS AND THE MOST ESSENTIAL FUNDAMENTAL FREEDOM IN SOUTH AFRICA AND ELSEWHERE OF THE CONFIRMATION BY RECENT REPORTS OF THE ACQUISITION BY SOUTH AFRICA OF THE NECESSARY SCIENTIFIC TECHNOLOGY GIVING ACCESS TO NUCLEAR WEAPONS,

1. EXPRESSES ITS PROFOUND INDIGNATION REGARDING THE SITUATION WHICH CONTINUES TO PREVAIL IN SOUTHERN AFRICA AND WHICH IS CHARACTERIZED BY A FLAGRANT DENIAL OF HUMAN RIGHTS TO THE AFRICAN LIMITED OFFICIAL USE

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POPULATION AND BY THE BRUTAL AND INHUMAN TREATMENT OF POLITICAL PRISONERS IN THAT PART OF THE WORLD;

2. CONDEMNS THE MASSACRES COMMITTED BY THE SOUTH AFRICAN POLICE DURING THE DEMONSTRATIONS AT SOWETO IN JUNE 1976;

3. REAFFIRMS THE INALIENABLE RIGHT OF THE PEOPLE OF NAMIBIA AND ZIMBABWE TO SELF-DETERMINATION AND INDEPENDENCE, AND THEIR RIGHT TO ENJOY ALL THE RIGHTS RECOGNIZED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE VARIOUS INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS;

4. REQUESTS THE WORKING GROUP OF EXPERTS TO INSTITUTE AN INQUIRY IN RESPECT OF ANY PERSON WHO HAS BEEN GUILTY IN NAMIBIA OF THE CRIME OF APARTHEID OR OF A SERIOUS VIOLATION OF HUMAN RIGHTS, AND TO BRING THE RESULTS OF THAT INQUIRY TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS;

5. RECOMMENDS THAT THE ECONOMIC AND SOCIAL COUNCIL SHOULD DRAW

THE ATTENTION OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL TO THE DESIRABILITY OF ADOPTING SPECIFIC MEASURES, INCLUDING THOSE PROVIDED FOR IN CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS, WITH A VIEW TO PUTTING AN END TO THE ILLEGAL OCCUPATION OF NAMIBIA BY SOUTH AFRICA;

6. DENOUNCES THE POLICY OF "BANTUSTANIZATION" AS AN OBSTACLE TO ANY REAL APPLICATION OF THE PRINCIPLE OF SELF-DETERMINATION;

7. NOTES WITH INTEREST THE RECOMMENDATIONS SET FORTH IN THE DECLARATION AND PROGRAMME OF ACTION OF THE INTERNATIONAL SEMINAR ON THE ERADICATION OF APARTHEID AND IN SUPPORT OF THE STRUGGLE FOR LIBERATION IN SOUTH AFRICA (A/31/104), HELD AT HAVANA FROM 24 TO 28 MAY 1976, AND DECIDES THAT THE AD HOC WORKING GROUP OF EXPERTS SHOULD EVALUATE ALL THE ASPECTS OF THAT DECLARATION AND PROGRAMME OF ACTION AND SHOULD SUBMIT SPECIFIC PROPOSALS TO THE COMMISSION AT ITS THIRTY-FOURTH SESSION;
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8. DECIDES TO HAVE ITSELF REPRESENTED BY MEMBERS OF THE AD HOC WORKING GROUP OF EXPERTS AT THE WORLD CONFERENCE FOR ACTION AGAINST APARTHEID TO BE HELD IN 1977, PURSUANT TO GENERAL ASSEMBLY RESOLUTION 31/6/C;

9. ADOPTS ALL THE CONCLUSIONS AND RECOMMENDATIONS OF THE AD HOC WORKING GROUP OF EXPERTS;

10. CONDEMNS THE ACTIVITIES OF THE COUNTRIES WHICH, EITHER DIRECTLY OR THROUGH THEIR NATIONALS, ARE HELPING TO PERPETUATE THE PRESENT SITUATION IN NAMIBIA, ZIMBABWE AND SOUTH AFRICA, AND URGES THEM TO REFRAIN FROM SUCH ACTIVITIES;

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INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 USIE-00 INRE-00 PM-04 H-01 INR-07 L-03 NSC-05
PA-01 PRS-01 SP-02 SS-15 AF-08 ARA-06 EA-07 EUR-12
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11. DEMANDS THE IMMEDIATE RELEASE OF ALL POLITICAL PRISONERS HELD, AND IN PARTICULAR THOSE WHO ARE SUSPECTED OF SYMPATHIZING WITH SWAPO, AND, WHILE AWAITING THEIR RELEASE, REQUESTS PROTECTION FOR THEM IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR;

12. ENDORSES THE RECOMMENDATIONS OF THE DECLARATION OF DAKAR AND THE PROGRAMME OF ACTION ANNEXED THERETO, AND IN PARTICULAR:

(A) CONDEMNS THE SO-CALLED WINDHOEK CONSTITUTIONAL CONFERENCE;

(B) RECOMMENDS THAT THE COMPETENT INTERNATIONAL ORGANIZATIONS AND MEMBERS STATES SHOULD SUPPORT SWAPO;

(C) REQUESTS THE GENERAL ASSEMBLY TO INVITE THE UNITED NATIONS COUNCIL FOR NAMIBIA TO STUDY, IN CONSULTATION WITH SWAPO, THE POSSIBILITY OF NAMIBIA BECOMING A PARTY TO THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND, IN PARTICULAR, TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID;

13. RECOMMENDS THAT THE UNITED NATIONS SHOULD INTENSIFY ITS CO-OPERATION IN THE HUMANITARIAN FIELD, BY SUPPLYING THE NEIGHBOURING LIMITED OFFICIAL USE

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COUNTRIES OF ZIMBABWE WITH ASSISTANCE, PARTICULARLY IN THE FORM OF MEDICINES AND FOODSTUFFS;

14. DECIDES THAT THE AD HOC WORKING GROUP OF EXPERTS SHOULD CONTINUE TO STUDY THE POLICIES AND PRACTICES WHICH VIOLATE HUMAN RIGHTS IN SOUTH AFRICA, NAMIBIA AND ZIMBABWE;

15. REQUESTS THE GROUP TO SUBMIT A REPORT ON ITS FINDINGS TO IT AT ITS THIRTY-FIFTH SESSION AT THE LATEST, AND TO SUBMIT A PROGRESS REPORT TO IT AT ITS THIRTY-FOURTH SESSION;

16. DECIDES TO RENEW THE MANDATE OF THE AD HOC WORKING GROUP OF EXPERTS, COMPOSED OF THE FOLLOWING EXPERTS ACTING IN THEIR PERSONAL CAPACITY:

MR. KEBE M'BAYE (SENEGAL), CHAIRMAN-REPPORTEUR, MR. BRANIMIR JANKOVIC (YUGOSLAVIA), MR. AMJAD ALI (INDIA), MR. ANNAN ARKYIN CATO (GHANA),

MR. HUMBERTO DIAZ CASANEUVA (CHILE), AND MR. FELIX ERMACCRA (AUSTRIA);

17. INVITES THOSE MEMBER STATES WHICH HAVE NOT YET DONE SO TO ACCEDE TO THE INTERNATIONAL CONVENTION OF THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID;

18. REQUESTS THE SECRETARY-GENERAL, IN ACCORDANCE WITH RESOLUTIONS 5 (XXXI) AND 8 (XXXII) OF THE COMMISSION ON HUMAN RIGHTS, TO CONTINUE HIS CONTACTS WITH A VIEW TO THE ORGANIZATION IN SOUTHERN AFRICA, IF POSSIBLE IN 1977, OF A SYMPOSIUM ON THE MATTERS REFERRED TO IN PARAGRAPH 20 OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT OF THE 1975 AD HOC WORKING GROUP OF EXPERTS (E/CN.4/1159);

15. REQUESTS THE SECRETARY-GENERAL TO TRANSMIT THIS RESOLUTION TO THE GENERAL ASSEMBLY, THE SECURITY COUNCIL AND THE SPECIAL COMMITTEE AGAINST APARTHEID.

B.
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THE COMMISSION ON HUMAN RIGHTS,

RECALLING RESOLUTIONS 5 (XXXI) AND 8 (XXXII),

RECOMMENDS THAT THE ECONOMIC AND SOCIAL COUNCIL SHOULD ADOPT THE FOLLOWING RESOLUTIONS:

THE ECONOMIC AND SOCIAL COUNCIL,

TAKING NOTE OF RESOLUTION E/CN.4/L.1345 OF THE COMMISSION ON HUMAN RIGHTS,

1. APPROVES THE DECISION TAKEN BY THE COMMISSION TO EXTEND THE MANDATE OF THE AD HOC WORKING GROUP OF EXPERTS;
2. EXPRESSES ITS SATISFACTION TO THE AD HOC WORKING GROUP OF EXPERTS FOR THE WORK IT HAS CARRIED OUT;
3. DECIDED THAT THE WORKING GROUP, IN CONJUNCTION WITH THE SPECIAL COMMITTEE AGAINST APARTHEID, SHOULD EXAMINE THE TREATMENT OF PRISONERS IN SOUTH AFRICA, NAMIBIA AND ZIMBABWE AND DEVOTE PARTICULAR ATTENTION TO THE DEATHS AND ILL-TREATMENT WHICH HAVE RECENTLY OCCURRED AS A RESULT OF THE POLICY OF APARTHEID, WITH A VIEW TO SUBMITTING A REPORT;
4. DECIDES THAT THE GROUP'S REPORTS SHOULD BE BROUGHT TO THE ATTENTION OF THE GENERAL ASSEMBLY WITHOUT DELAY;

5. REQUESTS THE SECRETARY-GENERAL TO GIVE ALL DUE PUBLICITY TO THE REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (E/CN.4/1222 AND CORR.1) AND TO FURNISH ALL NECESSARY ASSISTANCE TO THE GROUP TO ENABLE IT TO FULFIL ITS MANDATE;

6. RECOMMENDS THAT THE GENERAL ASSEMBLY SHOULD DECLARE 1978 AS INTERNATIONAL ANTI-APARTHEID YEAR.
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C.

THE COMMISSION ON HUMAN RIGHTS,

RECALLING GENERAL ASSEMBLY RESOLUTION 31/6/1,

RECOMMENDS THAT THE ECONOMIC AND SOCIAL COUNCIL SHOULD ADOPT THE FOLLOWING RESOLUTION:

THE ECONOMIC AND SOCIAL COUNCIL

TAKING NOTE OF RESOLUTION ... (XXXIII),

SUGGESTS THAT THE GENERAL ASSEMBLY SHOULD CONSIDER THE APPLICABILITY TO UNITED NATIONS ORGANS OF "THE SOLEMN OBLIGATION OF THE ADMINISTERING POWERS ... TO PROMOTE THE POLITICAL, ECONOMIC, SOCIAL AND EDUCATIONAL ADVANCEMENT FO THE INHABITANTS OF THE TERRITORIES UNDER THEIR ADMINISTRATION AND TO PROTECT THE HUMAN AND NATURAL RESOURCES OF THOSE TERRITORIES AGAINST ABUSES" WHICH WAS REAFFIRMED BY THE GENERAL ASSEMBLY IN ITS RESOLUTION 31/7 AND, IN THIS CONNEXION

,
SHOULD CONSIDER THE DESIRABILITY OF EXERCISING FULLY ITS POWERS IN ITS CAPACITY (RECOGNIZED BY THE INTERNATIONAL COURT OF JUSTICE IN 1971) AS ADMINISTERING AUTHORITY FOR NAMIBIA, EITHER DIRECTLY OR THROUGH THE UNITED NATIONS COUNCIL FOR NAMIBIA.

END TEXT. CATTO

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Message Attributes

Automatic Decaptioning: X
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Original Handling Restrictions: n/a
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Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3210716
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS COMMISSION: ITEM 6: VIOLATION OF HUMAN RIGHTS IN SOUTHERN AFRICA
TAGS: SHUM, XA, UN, UNHRC
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/aec7adbd-c288-dd11-92da-001cc4696bcc
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